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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/611,918

07/03/2003

Takashi Igarashi

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EXAMINER

SHAKERI, HADI

ART UNIT

PAPER NUMBER

3723

MAIL DATE

DELIVERY MODE

04/22/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/611,918	<b>Applicant(s)</b> IGARASHI ET AL.	
	<b>Examiner</b> HADI SHAKERI	<b>Art Unit</b> 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the table including a turning speed of the revolving machining tool, the turning speed of the held lens and a number of revolutions of the lens must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claim 5 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over JP 64-016346.

JP'346 meets all of the limitations of claim 5, i.e., a method of rough machining and finish machining (see Abstract) in which cutting speed (revolution of lens as best understood), feed amount (feed speed), and a material (e.g., plastic as commonly used in the art) to be machined are inputted to an NC device for different type of machining (rough and finish machining disclosed) and a table comprising rows and columns would indicated the cutting speed and a feed rate of the tool for either or both rough and fine machining based on the inputted variables, except for explicitly disclosing groove engraving and chamfering, considered to be obvious modifications to one of ordinary skill in the art for adapting the method and the table to out put values for grooving and chamfering. The table as disclosed includes a column for the type of the work, e.g., a material to be cut (see Abstract), but it does not appear to disclose the thickness of the lens, however, one of ordinary skill in the art would have known that desired finish and/or rough machining would directly depend on the thickness of the work, or the amount to be abraded, therefore it would have been obvious to one of ordinary skill in the art to

Figure 2 shows two tables, 11a and 11b, which are part of a method for determining machining parameters. Table 11a is a 3x4 grid with columns labeled 'T1', 'T2', 'T3', and '...' and rows labeled 'W1', 'W2', and 'W3'. The cells contain 'V' and 'S' values. Table 11b is a 3x5 grid with columns labeled 'T1', 'T2', 'T3', and '...' and rows labeled 'W1', 'W2', and 'W3'. The cells contain 'V' and 'S' values, with an additional 'V' column on the right. The tables are used to determine cutting speed and feed rate based on input variables.

modify the table to further include the thickness of work in addition to the material to be cut in achieving the desired results, e.g., in abrading a plastic lens commonly used.

4. Claim 5 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over JP 64-016346 in view of Woods (5,053,971).

JP`346 as described above meets all of the limitations of claim 5, except for disclosing groove engraving and chamfering and the thickness of the lens. Woods teaches chamfering or beveling lens in which proper speed and feed rate are set based on the material selected (10:28) and thickness (04:45-55). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the invention of JP`346 with additional variables, e.g., thickness as taught by Woods to adapt the method for operations like chamfering, grooving, etc.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Response to Arguments***

6. Applicant's arguments filed June 27, 2007 have been fully considered but they are not persuasive. The argument with regards to the indefiniteness rejection is persuasive, because the first step of machining a lens base on the parameters recited is clear to one of ordinary skill in the art, since setting a value of each number of revolutions of a lens (not disclosed in the drawings necessitating the drawing objection) would satisfy the requirement of MPEP § 2172.01 that requires for the claims to recite steps eliminating a gap in clearly defining the invention, since the number of revolutions of a lens would encompass different sizes and shaped.

The arguments that JP`346 would only apply to milling the surface of the lens and that it would not be necessary to change a machining condition based on a thickness of the lens are not persuasive, JP`346 is directed to a cutting operation regarding rough and finish machining, and even for the surface cutting/machining of the lens the thickness is a parameter which would be considered. However, the claims are rejected over JP`346 modified for using such tables wherein the parameters of the operations are inputted to an NC device according to a machining kind (see Abstract lines 11 and 17), which would infer to one of ordinary skill in the art or in view of Woods, chamfering, grooving (edging) in addition to rough machining and finish machining as disclosed. For edging operation other parameters, like thickness of the lens, would be inputted by one of ordinary skill in the art since it would only require combining prior art elements according to known methods to yield predictable results; use of known technique to improve similar devices in the same way; applying a known technique to a

known device ready for improvement to yield predictable results; choosing from finite number of identified, predictable solutions, with a reasonable expectation of success; or applying known work in one field of endeavor that may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art. Further for edging operations inputting other variables like thickness of the lens is clearly suggested by Wood.

The argument that JP`346 uses metal is valid since the reference clearly discloses using a table wherein the type of material is inputted, i.e., it is not limited to machining metal only. Similar argument that JP`346 is not for rough and finish machining is in error since both of these machining operations is disclosed by JP`346 in Abstract lines 12 and 13.

Further the arguments attack the references individually and not the modified reference or the combination of references (JP`346 in view of Woods) is applied to the claim. JP`346 discloses using a table in rough and finish machining a lens, applying the method to other operations known in the art, e.g., milling, chamfering, grooving the lens, is obvious to one of ordinary skill in the art as taught by Woods or is considered well within the knowledge of one of ordinary skill in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is 571-272-4495. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail, III can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 18, 2008

/Hadi Shakeri/  
Primary Examiner, Art Unit 372